

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
AT BLUEFIELD

VERNON LEE DUNCAN,

Plaintiff,

v.

CIVIL ACTION NO. 1:17-00409

NANCY A. BERRYHILL,

Acting Commissioner of Social Security,

Defendant.

**MEMORANDUM OPINION AND ORDER**

By Standing Order, this action was referred to United States Magistrate Judge Dwane L. Tinsley for submission of findings and recommendation regarding disposition pursuant to 28 U.S.C. § 636(b)(1)(B). Instead of filing a brief in support of the Commissioner's decision, defendant filed a motion to remand this case to the Commissioner pursuant to sentence four of 42 U.S.C. § 405(g) for further proceedings as outlined in defendant's motion to remand. Plaintiff did not respond to the remand motion but has informed the court that he does not object to the relief requested therein.

Given that defendant's motion to remand is uncontested, the court hereby **VACATES** the referral to Magistrate Judge Tinsley and orders as follows:

1. Defendant's Motion to Remand is **GRANTED**;
2. The final decision of the Commissioner is **REVERSED**;

3. The case is **REMANDED** to the Commissioner pursuant to the fourth sentence of 42 U.S.C. § 405(g) for further proceedings as outlined in the motion to remand; and
4. This Clerk is directed to remove this case from the court's active docket.

The Clerk is directed to forward a copy of this Memorandum Opinion and Order to counsel of record and to Magistrate Judge Tinsley.

**IT IS SO ORDERED** this 7th of December, 2017.

ENTER:

A handwritten signature in black ink, reading "David A. Faber", is written over a horizontal line.

David A. Faber

Senior United States District Judge